

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

Charlotte, NC

JUN 24 2021

DOCKET NO.: 5:20cr81

Clerk, US District Court
Western District NC

UNITED STATES OF AMERICA)
)
 v.)
)
 SHAWN MALCOM DAVIS)

CONSENT ORDER AND
JUDGMENT OF FORFEITURE

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 924 and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

One Palmetto State Armory, model, PA15, multi caliber rifle, seized by law enforcement on or about December 12, 2019, during the course of investigation;

One Bushmaster, model XM-15 E2S rifle, seized by law enforcement on or about December 29, 2019, during the course of investigation;

One Aero Precision, model X15, .223 caliber pistol, seized by law enforcement on or about January 1, 2020, during the course of investigation;

One Taurus, model PT 111 Millennium G2 9mm pistol, seized by law enforcement on or about January 1, 2020, during the course of investigation;

One Phoenix Arms, model HP22, .22 caliber pistol, seized by law enforcement on or about January 24, 2020, during the course of investigation; and

One Cobra, model FS380, .380 caliber pistol, seized by law enforcement on or about January 28, 2020, during the course of investigation.

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

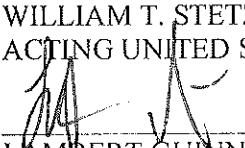
3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

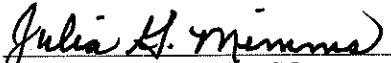
5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

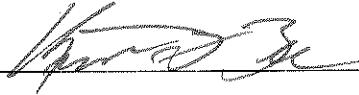
The parties stipulate and agree that the aforementioned asset(s) constitute property involved in or used in the offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 924 and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to legally sufficient, and waives any and all right to further notice of such process or such destruction.

WILLIAM T. STETZER
ACTING UNITED STATES ATTORNEY

LAMBERT GUINN
Assistant United States Attorney


SHAWN MALCOM DAVIS
Defendant


JULIA G. MIMMS, ESQ.
Attorney for Defendant

Signed this the 24 day of June, 2021.


UNITED STATES District JUDGE